

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

LUIS RIVERA,  
PETITIONER;

V.

DAVID NOLAN,  
RESPONDENT;

CIVIL ACTION NO. 04-12717-RCL

MOTION FOR AMENDMENT OF JUDGMENT  
( F.R.Civ.P Rule 59(a)(2) and (e) )

Now Comes, Luis Rivera, petitioner in pro-se', moving this court in the above entitled action, pursuant to F.R.Civ.P. Rule 59(a)(2)(e), to amend its, Order on Respondent's Motion to Dismiss the Petition, to reflect the issues of law presented as follows;

- 1) That this Motion for Amendment of Judgment (Rule 59) is timely and valid under law.
- 2) That the Petitioner has consulted with another and discovered the irregularities of law, only after, receiving the court's recent order.
- 3) That this court does not now, nor has it ever had jurisdiction to rule on the above entitled petition.
- 4) That the basis for this observation is found in F.R.A.P. 22 and 1st. Circuit's Local Rule 22.2, Habeas Corpus; Successive Petitions.
- 5) That the petitioner was ignorant of the prerequisite to the filing of the second petition.
- 6) That the petitioner made no effort to deceive this court or the respondent to this action, as evidenced on page 3 question #11, where his response denoted the prior petition.
- 7) Wherefore petitioner asserts the only authority and jurisdiction this court possessed at the initial filing of the above entitled petition is defined in LOC.R. 22.2(e).

Rivera v Nolan,

Page 2

REQUESTED REMEDY

Where neither party nor the Court had previously identified the abnormality of law identified herein, the Petitioner moves this court to comply with either available option under the 1st. Circuit's Local Rule 22.2(e), and that should this court order dismissal under the aforementioned rule that the order reflect the abnormal circumstances and not attach prejudice to the Order for Dismissal.

UNDER PENALTIES OF PERJURY

DATED: June 27, 2005

SWORN Luis P. Rivera

Luis Rivera, pro-se'

CERTIFICATE OF SERVICE

I, Luis Rivera, caused to be served upon Ms. Maura D. McLaughlin, AAG, at the offices of the Attorney General, Criminal Bureau, One Ashburton Place, 18th & 19th Floor, Boston, MA 02108, a true copy of the above Motion for Amendment of Judgment, by manner of first class mail, postage pre-paid on the 27th. day of June, 2005.

SO CERTIFIED: Luis P. Rivera

Luis Rivera, pro-se'